

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

ALLANNA WARREN,

Plaintiff,

v.

APPLEONE INC., HOWROYD-WRIGHT  
EMPLOYMENT AGENCY, INC.,

Defendants.

Case No. 2:23-cv-01370-CDS-EJY

**REPORT AND RECOMMENDATION**

This action commenced when Plaintiff, who is proceeding *pro se* and is not incarcerated, filed an application to proceed *in forma pauperis* (“IFP”) together with a Civil Rights Complaint on September 3, 2023. ECF No. 1, 1-1. The Court issued an Order on September 6, 2023, granting Plaintiff’s IFP and dismissing her Complaint without prejudice but with leave to amend no later than October 10, 2023. ECF No. 5. On September 11, 2023, Plaintiff appealed the Court’s Order to the Ninth Circuit Court of Appeals, which the Ninth Circuit dismissed on October 20, 2023. ECF Nos. 8, 14. Plaintiff filed her Amended Complaint on October 2, 2023. ECF No. 12.

On December 9, 2024, the Court issued an Order dismissing Plaintiff’s Amended Complaint without prejudice with leave to file a second amended complaint no later than January 10, 2025. ECF No. 17. In the same Order, the Court recommended Plaintiff’s claim alleging a violation of 42 U.S.C. § 1983 be dismissed with prejudice as no such claim exists as a matter of law. *Id.* at 5. On December 12, 2025, Plaintiff filed a second appeal with the Ninth Circuit arising from the Court’s December 9, 2024 Order. ECF No. 18. On January 16, 2025, the District Judge adopted the December 9, 2024 recommendation in its entirety. ECF No. 22. On January 22, 2025, the Ninth Circuit dismissed Plaintiff’s second appeal. ECF No. 23. Prompted by this dismissal, the Court extended the deadline for Plaintiff to file her second amended complaint to February 7, 2025. ECF No. 24. Plaintiff subsequently requested a two week extension of time, which the Court granted, giving Plaintiff through February 25, 2025 to file her second amended complaint. ECF Nos. 25, 26.

1 To date Plaintiff has not filed a second amended complaint; nor has she otherwise  
2 communicated with the Court.

3 Accordingly, and based on the foregoing, IT IS HEREBY RECOMMENDED that this matter  
4 be dismissed in its entirety without prejudice but without leave to amend.

5 Dated this 6th day of March, 2025.

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7  
8 ELAYNA J. YOUCHAK  
UNITED STATES MAGISTRATE JUDGE

9  
10 **NOTICE**

11 Under Local Rule IB 3-2, any objection to this Report and Recommendation must be in  
12 writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court holds  
13 the courts of appeal may determine that an appeal has been waived due to the failure to file objections  
14 within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). The Ninth Circuit also held  
15 that (1) failure to file objections within the specified time and (2) failure to properly address and  
16 brief the objectionable issues waives the right to appeal the District Court's order and/or appeal  
17 factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir.  
18 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).